


| | | |
|---|--|--|
|  | INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL | |
| | Chapter 5: Department of Child Services (DCS) Child Welfare Cases | Effective Date: 9/17/19 |
| | Section 6: When the Child In Need of Services Case Is Dismissed | Version: 2.0 Revision Date: 9/17/19 |

BACKGROUND

The possible outcomes at the termination of a Child in Need of Services (CHINS) action in the JC court are that the child returns to the home, another relative is awarded guardianship of the child, or parental rights are terminated. The JC court's jurisdiction is terminated when the CHINS action is terminated. Any paternity or custody order issued as part of the CHINS action remains in effect. Depending on the child custody result, the child support order of the JC court may remain in effect or terminate and any previous child support order from the original JP/DR/DC court may be reinstated.

POLICY

1. Termination of Jurisdiction

At the conclusion of the CHINS action, the JC court shall notify the court that issued any previous child support or custody orders (JP/DR/DC court) that the JC court has terminated its jurisdiction.¹

2. Survival of JC Orders for Paternity or Custody

Any order of the JC court that established paternity, or established or modified custody, survives the termination of the CHINS action.²

If a JP/DR/DC court had jurisdiction over the custody order prior to a custody order issued by the JC court, the custody order issued by the JC court remains in effect until the original JP/DR/DC court resumes jurisdiction and may or may not modify the order.³

3. Survival of JC Child Support Orders When Child Remains in Placement with the Custodial Party at the Termination of the CHINS Action

A child support order issued by the JC court as part of the CHINS action which directed a parent to pay child support to a custodial party survives the termination of the CHINS action if the child remains with that custodial party.⁴ This is most likely in cases when parental rights have been terminated or another relative is awarded guardianship as a result of the CHINS action. In either result, the court may, upon receiving a petition,

¹ IC 31-40-1-5(f)(1)

² IC 31-30-1-12(c); IC 31-30-1-13(c)

³ IC 31-30-1-12(c); IC 31-30-1-13(c)

⁴ IC 31-30-1-12(c); IC 31-30-1-13(c)

proceed under the original JP, DR, or DC cause or open a new cause number as a JP, DC, or GU cause type, as appropriate, for the continuing child support order.⁵

If a JP/DR/DC court had jurisdiction over the child support order prior to a child support order issued by the JC court, the child support order issued by the JC court remains in effect until the original JP/DR/DC court resumes jurisdiction and modifies the order if appropriate.⁶

4. Child Support Orders when the Child Returns to the Previous Custodial Party at the Termination of the CHINS Action

If a previous child support order under a JP, DR, or DC cause number existed for a non-custodial parent to pay a custodial party and the child is returned to that custodial party's home, the JC order may include a provision either reinstating the child support order from the JP/DR/DC cause or may establish a new child support order. The child support order issued by the JC court remains in effect until the original JP/DR/DC court resumes jurisdiction and modifies the order if appropriate.⁷

If there were multiple children in the home and not all of the children were removed, the Title IV-D Prosecutor is strongly encouraged to petition the JP/DR/DC court to modify the child support order to consider that all of the children are back in the home.

5. Termination of JC Orders for Support Paid to the Department of Child Services (DCS)

If the JC court ordered the parent(s) to pay child support to DCS Child Welfare during the course of the CHINS action, that order terminates at the completion of the CHINS action.⁸ The arrearage should be adjudicated for both parents, as applicable.

REFERENCES

- [IC 31-30-1-12](#): Jurisdiction of child custody, parenting time, or child support proceeding in marriage dissolution; survival of order
- [IC 31-30-1-13](#): Jurisdiction of child custody proceeding in paternity proceeding; paternity of child; survival of order
- [IC 31-35-6-4](#): Rights, privileges, and obligations of parent and child upon termination of relationship
- [IC 31-40-1-3.8](#): Parental reimbursement for services provided by a county
- [IC 31-40-1-5](#): Obligation of parent or guardian for costs of placement of child; remittance of support payments; enforcement

PROCEDURE

If one or both parents were ordered to pay child support to DCS Child Welfare, then upon receiving the order terminating the CHINS action, the Title IV-D Prosecutor, if a Title IV-D case,

⁵ IC 31-30-1-12(c); IC 31-30-1-13(c); See also DCS Child Welfare Policy 2.20

⁶ IC 31-30-1-12(c); IC 31-30-1-13(c)

⁷ IC 31-30-1-12(c); IC 31-30-1-13(c)

⁸ IC 31-40-1-5(f)

or the Clerk of Courts, if a non-IV-D case, should ensure the following is completed in the statewide child support system:

1. Terminate the current child support order for the parents to pay DCS Child Welfare; and
2. Verify the child support arrearage owed to DCS Child Welfare. Any child support obligation that accrued (e.g., arrearage) before the termination of parental rights is not affected by the termination of parental rights.⁹

If the parents were ordered to pay child support to another person with whom the child was placed during the CHINS action and the child's placement is now changing, then upon receiving the order terminating the CHINS action, the Title IV-D Prosecutor, if a Title IV-D case, or the Clerk of Courts, if a non-IV-D case, should ensure the following is completed in the statewide child support system:

1. Terminate the current child support order for the parents to pay the person with whom the child was placed during the CHINS action; and
2. Verify the child support arrearage owed to the person with whom the child was placed during the CHINS action.

If the child support owed to the previous custodial party by the previous non-custodial parent was assigned to DCS Child Welfare and the child is now returning to the previous custodial party, then upon receiving the order terminating the CHINS action, the Title IV-D Prosecutor, if a Title IV-D case, or the Clerk of Courts, if a non-IV-D case, should ensure the following is completed in the statewide child support system:

1. Terminate the current child support order for the parent to pay DCS Child Welfare;
2. Verify the child support arrearage owed to DCS Child Welfare;
3. Leave the case(s) for the parent(s) to pay DCS Child Welfare open in the statewide child support system if there is any arrearage owed to DCS Child Welfare; and
4. When the child is the only child of these parents, reopen the current child support subaccount in the prior case in the statewide child support system in which the non-custodial parent paid support to the custodial party. If there were multiple children in the home and not all of the children were removed, the current child support subaccount in the prior case is adjusted pursuant to any modification of the child support order now taking into consideration that all of the children are back in the home.

FORMS AND TOOLS

N/A

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

[DCS Child Welfare Policy: 2.20 Establishment of Child Support Orders](#)

⁹ IC 31-35-6-4(b)

| |
|-------------------------|
| REVISION HISTORY |
|-------------------------|

| Version | Date | Description of Revision |
|-----------|--------------------|--|
| Version 1 | December 8, 2015 | Final Approved Version. |
| Version 2 | September 17, 2019 | Revised Policy due to Indiana Code amendments. |